

II. REMARKS

Applicants gratefully acknowledge that the Examiner has withdrawn the restriction/election requirement of October 30, 2008 so that claims 1-15, 17-31, 33-36, 38-49, 51-54 and 56-77 have been examined on the merits. However, claims 16, 32, 37 and 55 remain withdrawn for pertaining to a non-elected invention. With respect to claims 37 and 55, which respectively depend upon independent claims 33 and 51, Applicants contend that when independent claims 33 and 51 are allowed then dependent claims 37 and 55 must be rejoined with the allowed claims in accordance with MPEP § 821.04.

Claims 3 and 39 have been cancelled without prejudice. Claims 1, 15, 17, 31, 67 and 71-77 have been amended to improve clarity, and not for a reason related to patentability. Therefore, the present amendment has no further limiting effect on the scope of claims 1, 15, 17, 31, 67 and 71-77.

The present amendment adds no new matter to the above-captioned application.

A. The Invention

The present invention pertains broadly to a method and system for delivering and streaming multi-media content over the Internet or other computer network. In particular, in accordance with an apparatus embodiment of the present invention, a system for delivering streaming multi-media content is provided that includes the features recited in independent claim 1. In accordance with another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 15. In accordance with yet

another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 33. In accordance with still another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 67. In accordance with another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 69. In accordance with still another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 72. In accordance with yet another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 74. In accordance with another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 76. In accordance with another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 77.

In accordance with a method embodiment of the present invention, a method of processing requests for multi-media content is provided that includes the steps recited by independent claim 17. In accordance with another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 31. In accordance with still another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 51. In accordance with yet another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 68. In accordance with still another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim

70. In accordance with another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 71. In accordance with yet another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 73. In accordance with another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 75.

Various other method and apparatus embodiments, in accordance with the present invention, are recited by the dependent claims.

An advantage of the methods and apparatuses of the present invention over prior art methods and apparatuses is that the methods and apparatuses of the present invention have the feature that they employ a “link processing server” that enables “a plurality of formats to stream using one or more encoded hyperlinks comprising reference information without having to deploy one or more reference files containing an address to...content.” Thus, the present invention utilizes a link processing server to facilitate the streaming of media-content, multi-media content and non-media content in a plurality of formats and does not have to rely upon the application of reference files containing content addresses in order to achieve streaming of digital content in a plurality of formats.

B. The Rejections

Claims 1, 15, 17, 31, 33, 51 and 67-77 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claims 1, 2, 4-15, 33-36, 38, 40-50, 67, 68 and 71-77 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Hans (U.S. Patent Publication No. 2002/0120577, hereafter the “Hans Publication”) in view of Oberdorfer (U.S. Patent 6,757,709, hereafter the “Oberdorfer Patent”). Claims 17, 18, 20-31, 51-54 and 57-66 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Hans Publication and the Oberdorfer Patent in view of RFC 959 (File Transfer Protocol, Postel et al., October 1985, hereafter, the “RFC 959 Document”).

Claim 69 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Hans Publication and the Oberdorfer Patent in view of Kenner (U.S. Patent 6,421,726 B1, hereafter, the “Kenner Patent”). Claim 70 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Hans Publication and the Oberdorfer Patent in view of the RFC 959 Document and the Kenner Patent. Claims 3 and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Hans Publication and the Oberdorfer Patent in view of Stewart (U.S. Patent Application Publication 2002/087707, hereafter the “Stewart Publication”). Claims 19 and 56 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Hans Publication and the Oberdorfer Patent in view of the RFC 959 Document, and further in view of the Stewart Publication.

Applicants respectfully traverse the Examiner’s rejections and request reconsideration of the above-captioned application for the following reasons.

C. Applicants’ Arguments

i. The Indefiniteness Rejections

For a claim to comply with 35 U.S.C. § 112, second paragraph, it must (1) set forth what the Applicant regards as the invention and (2) it must do so with sufficient particularity and distinctness so as to be sufficiently “definite.” Solomon v. Kimberly-Clark Corp., 55 U.S.P.Q.2d 1279, 1282 (Fed. Cir. 2000). During patent prosecution, definiteness of a claim may be analyzed by consideration of evidence beyond the patent specification, including the inventor’s statements to the Patent and Trademark Office. *Id.* In this case, claims 1, 15, 17, 31, 33, 51 and 67-77 are in compliance with 35 U.S.C. § 112 for the following reasons.

The Examiner contends that it is unclear whether the passage

“said at least one link processing server transmits second reference information to the client workstation, thereby generating a second request to stream the multi-media content to said at least one client workstation, wherein said second request is automatically formatted or preformatted to be in conformity at least with the format of the multi-media content via said at least one link conversion process, and wherein said at least one link conversion process does not create any reference files for storage on a web server; and

at least one streaming multi-media server interfaced to the Internet and storing the multi-media content, and responsive to said second request received from said at least one link processing server so as to deliver the multi-media content over the Internet to said at least one client workstation,”

means that the “client workstation” generates the “second request,” or whether some other component of the system generates the “second request” (Office Action, dated March 18, 2009, at 3, lines 5-15).

In accordance with the embodiments of claims 1, 15, 17, 31 and 51 of the present invention, the “client workstation” generates the “second request.” In accordance with embodiment of claim 33, “said at least one connection processor receiv[es] the first request

from at least one client workstation for the at least one of information and information services and appl[ies] the at least one connection conversion process to generate at least one second request for the at least one of information and information services.” Therefore, in accordance with embodiment of claim 33, it is the “at least one connection processor” that generates the “second request.”

In accordance with the embodiment of claim 67, “the client workstation originates at least one first request for the at least one link encoded web page and at least one second request for at least one of information and information services by specifying a selection” and “the connection processor receives the first information of the at least one hyperlink and converts said first information of the at least one hyperlink to an other at least one of information and information services third request” and “said third request is generated by the connection processor using the second reference information without generating any reference files for storage on a web server.”

In accordance with the embodiment of claim 68, a computer process hosted on the connection processor is applied “to convert the specification of display options for the connection processor into a second request for at least one media server to satisfy the first request for at least one of information and information services.” Therefore, according to the embodiment of claim 68, it is the connection processor that converts the specification of display options into a second request for media streaming.

In accordance with the embodiment of claim 69, “at least one connection processor receives the first request from at least one client workstation for the at least one of information

and information services and applies the at least one connection conversion process to generate at least one second request for the at least one of information and information services.”

Therefore, in accordance with the embodiment of claim 69, the at least one connection processor generates the at least one second request.

In accordance with the embodiment of claim 70, “the at least one second request is generated by the at least one client workstation when the connection processor transmits second reference information to the at least one client workstation.” Therefore, according to the embodiment of claim 70, it is the client workstation that generates the at least one second request.

In accordance with the embodiment of claim 71, “transmission of the second reference information to the at least one client workstation causes said at least one client workstation to generate the second request to stream the multi-media content.” Therefore, according to the embodiment of claim 71, it is the client workstation that generates the second request.

In accordance with the embodiment of claim 72, “transmission of the second reference information to the at least one client workstation causes said at least one client workstation to generate the second request to stream the multi-media content.” Therefore, according to the embodiment of claim 72, it is the client workstation that generates the second request.

In accordance with the embodiment of claim 73, “transmission of the second reference information to the at least one client workstation causes the at least one client workstation to generate one or more second requests to stream the at least one of information and information services to the at least one client workstation or other workstation from said at least one media

server via the computer network.” Therefore, according to the embodiment of claim 73, it is the client workstation that generates the second request.

In accordance with the embodiment of claim 74, “said second request is generated by the connection processor using the second reference information without generating any reference files for storage on a web server.” Therefore, according to the embodiment of claim 74, it is the connection processor that generates the second request.

In accordance with the embodiment of claim 75, “transmission of the second reference information to the at least one client workstation causes the at least one client workstation to generate the second request to stream the at least one of information and information services.”

Therefore, according to the embodiment of claim 75, it is the client workstation that generates the second request.

In accordance with the embodiment of claim 76, “transmission of the second reference information to the at least one client workstation causes the at least one client workstation to generate the second request to stream the at least one of information and information services.”

Therefore, according to the embodiment of claim 76, it is the client workstation that generates the second request.

In accordance with the embodiment of claim 77, “transmission of the second reference information to the at least one client workstation causes said at least one client workstation to generate the second request to stream the multi-media content to said at least one client workstation via the Internet.” Therefore, according to the embodiment of claim 77, it is the client workstation that generates the second request.

In sum, according to the embodiments of claims 1, 15, 17, 31, 51, 70-73 and 75-77, the “at least one client work station” generates the “second request. In accordance with the embodiments of claims 33, 67-69 and 74, the “at least one connection processor” generates the “second request.”

In view of the present amendment and remarks, claims 1, 2, 4-15, 17-31, 33-38, 40-49 and 51-77 are in compliance with 35 U.S.C. § 112.

ii. The Section 103(a) Rejection

A prima facie case of obviousness requires a showing that the scope and content of the prior art teaches each and every element of the claimed invention, and that the prior art provides some teaching, suggestion or motivation, or other legitimate reason, for combining the references in the manner claimed. KSR International Co. v. Teleflex Inc., 127 S.Ct. 1727, 1739-41 (2007); In re Oetiker, 24 U.S.P.Q.2d 1443 (Fed. Cir. 1992). In this case, the Examiner has failed to establish a prima facie case of obviousness against independent claims 1, 15, 17, 31, 33, 51 and 67-77 because neither the Hans Publication, the RFC 959 Document, the Kenner Patent nor the Stewart Publication, teach or even suggest a “link processing server” that

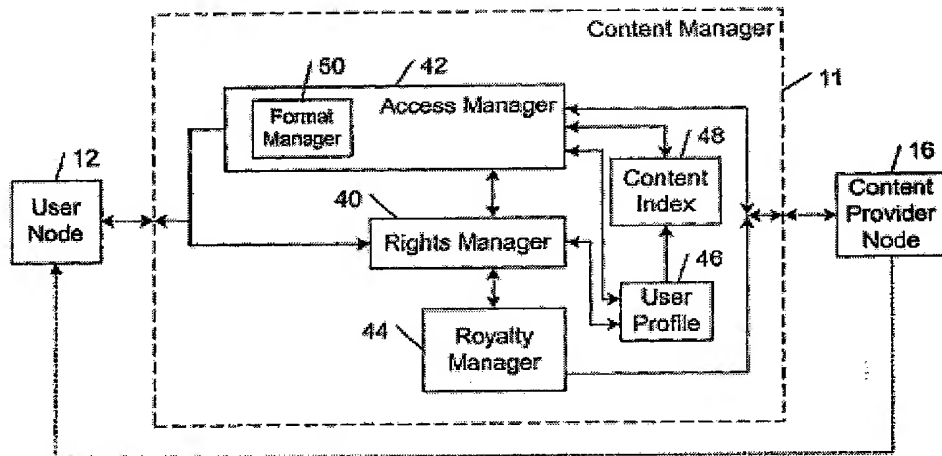
“translates first reference information from one or more of the encoded hyperlinks to second reference information that enables one or more formats to stream without having to deploy from a web server one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where the multi-media content is stored...”

as recited by Applicants’ independent claim 1. Similar arguments pertain to the rest of Applicants’ independent claims.

iii. The Hans Publication

The Hans Publication discloses “managing access to digital content” such as may be used to license digital content (See Abstract of the Hans Publication). More specifically, the Hans Publication discloses a digital content access management system that enables users to register previously owned digital content and, subsequently, allows users to access the registered content using any electronic device that is connected to the system (See Abstract of the Hans Publication). The Hans Publication further discloses that digital content may be pushed or pulled from any electronic system that is connected to a network--no matter where it is located--to any other electronic system that is connected to a network (See Abstract). The Hans Publication also discloses a business model, as well as a system and a method for implementing this business model, wherein payments are made to content providers upon registration of previously owned digital content (See Abstract of the Hans Publication).

In particular, the Hans Publication discloses a “content manager” (11) as shown in Figure 3 (reproduced below) that determines if a user (12) requesting access to digital content has a current license to access the requested content (See Hans Publication, ¶ [0022]). If so, the content manager (11) enables the user to access the requested digital content, and if not, the content manager (11) may allow the user to purchase a license (See Hans Publication, ¶ [0029]). .



However, the Hans Publication does not teach, or even suggest, using (i) a “one or more hyperlinks” that comprise “first reference information [that] comprises information specifying the multi-media content and format associated therewith” as recited by independent claims 1, 15, 17, 31, 33, 51, 67-77. As admitted by the Examiner (Office Action, mailed March 18, 2009, at 6, lines 11-15), the Hans Publication also does not teach, or suggest, (ii) a “link processing server” that

“translates first reference information from one or more encoded hyperlinks to second reference information that enables one or more formats to stream without having to deploy from a web server one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where... content is stored”

as recited by Applicants’ independent claims 1, 15, 17, 31, 33, 51, 67-77. The Hans Publication also does not teach, or suggest, (iii) that the “link processing server”

“transmits second reference information to the client workstation, then the client workstation generates a second request to stream the multi-media content to said at least one client workstation... wherein said at least one link conversion process does not create any reference files for storage on a web server”

as recited by independent claim 1 as well as to similar limitations recited by the other independent claims.

On the contrary, the Hans Publication discloses only conventional content servers, such as content management server (26), (See Hans Publication, ¶ [0025]), and the “provider content server” shown in Figure 2. A person of ordinary skill in the art would immediately realize that a conventional content server must deploy one or more reference files containing an address of content in order to enable streaming of digital content for a plurality of formats.

a. Hans does not disclose a “link processing server”

As explained at 37, lines 8-18, of Applicants’ specification as originally filed, it was conventionally known that three files had to be managed in order to stream content, namely, (1) the Web page from which a content file is to stream to another Web page, (2) a “reference file” that contains the Internet address of the content file to be streamed, and (3) the content file. Therefore, a person of ordinary skill in the art would necessarily conclude that the content servers disclosed by Hans operate in the same fashion as a conventional content server (Declaration under Rule 132 by Herve Carruzzo, of record, hereafter the “Carruzzo Declaration,” ¶¶ 10 and 11). Therefore, assuming, *arguendo*, that the Hans Publication discloses streaming of media or multi-media content (a fact that Applicants do not concede), the streaming protocol employed by the Hans Publication must necessarily include transmission of “one or more reference files” that contain the “address” corresponding to the streamed content files (Carruzzo Declaration, ¶¶ 11 and 12).

The system disclosed by the Hans Publication requires a “user profile” be maintained as evident from all of the claims 1-20 of the Hans Publication. In this context, “user” refers to the person wishing to view, or otherwise have access to, certain content as would be immediately understood by a person of ordinary skill in the art. For the access manager disclosed by the Hans Publication to do its job, the user is required to authenticate with the system. As is known in the art by those of ordinary skill, this is how preferences (i.e., format type, delivery options, rights management, etc.) are generally implemented. The system, in accordance with the present invention, however, does not require conventional authentication. On the contrary, the present invention works in the very common case where the end user requesting content is not known.

In other words, it is a fact that the system disclosed by the Hans Publication inherently employs the transmission of “one or more reference files” to stream content (assuming, of course that the Hans Publication even discloses streaming content, which is an invalid assumption), and does not employ encoded hyperlinks in which reference information is embedded to stream content, because persons of ordinary skill in the art were only employing the transmission of reference files, and not encoded hyperlinks, to stream content at the time the Hans Publication was published. See, e.g., Continental Can Co. USA v. Monsanto Co., 20 U.S.P.Q.2d 1746, 1749 (Fed. Cir. 1991)(Court holding that teachings are inherent to a reference when they would be the natural result flowing from an otherwise sufficient disclosure).

The “reference file” problem is encountered in the context of streaming media due to the fact that the browser cannot be directed to the streaming media location directly, but instead

has to be pointed to another location in order to obtain a file (e.g., in plain text usually) that provides the actual location of the streaming content as well as other bits of information. This problem is not addressed by the Hans Publication and is one area where the present invention goes far beyond the technology disclosed by Hans.

To illustrate this point, consider the simple case of an end user requesting a particular streaming media content. Assuming that the end user has already authenticated with the system disclosed by Hans, at the end of the request operation, Han's system will return something to the requesting user (or rather to the user's browser or equivalent system). In the case of streaming media content, this "something" is traditionally a reference file. The reference file will then instruct the streaming media renderer where to find the actual content to be streamed and how to stream it. Clearly, as would be known by those of ordinary skill in the art, this requires that (i) a reference file be maintained, and (ii) a separate location be maintained where the streaming media content itself is stored (i.e., whether on the same server or not). If the actual media content itself is stored on multiple servers, as is sometimes the case, the complexities of managing the reference files can grow quickly depending on the implementation (e.g., how much real time server resolution one desires and/or how much of that can rely on smart DNS resolution). The above example should clarify why the system disclosed by the Hans Publication does not address the issue that the present invention eliminates, namely, the need to deploy one or more reference files when streaming media content.

For all of the above reasons, the Hans Publication fails to teach, or suggest, a

“link processing server[that] translates first reference information from one or more of the encoded hyperlinks to second reference information that enables one or more formats to stream without having to deploy from a web server one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where the multi-media content is stored...”

as recited by independent claim 1.

However, this is not the only deficiency in the disclosure of the Hans Publication. **The Hans Publication does not teach, or suggest, any kind of “link processing server” whatsoever.** In particular, Applicants’ specification, at 67, lines 3-7, describes a non-limiting embodiment of the present invention that identifies a “link processing server” that “handles the processing of link or connection reference tags,” which is distinguished from a content server such as a RealNetworks server that hosts media content and which is distinguished from a web server that retrieves requested Web pages and routes them to a client workstation. The “content manager” (11) of the Hans Publication merely authorizes or denies transmission of requested digital content from a content provider node (16) to a user node (12). As evident from Figure 3 of the Hans Publication (reproduced above), the transmission of content, once authorized, is transmitted directly from the content node provider (16) to the user node (12) as shown by the arrow directly connecting (16) to (12).

Thus, the function provided by the content manager (11) is authorization or denial of transmission. The content manager (11) does not handle the processing of link or connection reference tags, for example. In fact, the content manager (11) is not a “server” that provides any form of “link processing” function whatsoever as these terms would be understood by a

person of ordinary skill in the art (See, e.g., COMPUTER PROFESSIONAL'S DICTIONARY 212 and 301 (1990), of record).

In sum, a person of ordinary skill in the art would understand that the content manager (11) disclosed by the Hans Publication is a device for handling content and it is not a device that provides any kind of "link processing" function as that term would be understood by a person of ordinary skill in the art. See also, Carruzzo Declaration, ¶¶ 10-14 and 19.

While Applicants encourage the Examiner to give the broadest reasonable interpretation of the claim terms consistent with Applicants' specification, *In re Hyatt*, 54 U.S.P.Q.2d 1664, 1667 (Fed. Cir. 2000), the Examiner is not free to give an unreasonably broad interpretation to Applicants' claim terms that are inconsistent with Applicants' specification. Furthermore, the Examiner is obligated to give a fair reading, as a whole, to the subject matter disclosed by the Hans Publication. See, e.g., *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). In this case, the Examiner has not given a fair reading to the subject matter disclosed by the Hans Publication because a person of ordinary skill in the art would instantly realize that content manager (11) disclosed by the Hans Publication is a device for handling content and it is not a device that performs "link processing" as that term is understood in the art as discussed above.

For all of the above reasons, the Examiner has failed to establish that the Hans Publication discloses a "link processing server" as recited in Applicants' independent claims.

b. Hans does not disclose a “link encoded web page”

The Hans Publication also does not teach, or even suggest, a “link encoded web page” and a “link encoded electronic mail message” as recited by independent claims 17, 31, 51, 69, 70, 71, 72, 73, 74, 75, 76 and 77, and a “link encoded web page” as recited by independent claim 67, and a “link encoded website” and a “link encoded electronic mail message” as recited by independent claim 68. While the Examiner contends that the Hans Publication “inherently” discloses a “link encoded web page” (Office Action, dated January 15, 2008, at 5, lines 4-7), the Examiner identifies ¶ [0026] of Hans as disclosing this feature of Applicants’ invention. Applicants disagree with the Examiner’s interpretation of the Hans Publication for the following reasons.

The fact is that ¶[0026] of the Hans Publication merely states that

“content manager 11 may operate an Internet web site that may be accessed by a conventional web browser application program executing, on a user’s computer system.”

The Hans Publication, at ¶[0026], is completely silent regarding the subject of a “link encoded web page.” While an Internet web site inherently has a web address, it is not inherently a “link encoded web page” as the Examiner contends.

Furthermore, the Hans Publication does not teach, or suggest, a “link encoded web page” and/or a “link encoded electronic mail message” that include “one or more encoded hyperlinks comprising reference information” as recited by the independent claims of the above-captioned application. For all of the above reasons, Applicants contend that the Examiner has misconstrued the Hans Publication, which does not inherently teach or suggest a

“link encoded web page” and/or a “link processing server” when these terms are properly construed in light of Applicants’ specification as it would be understood by a person of ordinary skill in the art.

As admitted by the Examiner (Office Action, dated March 30, 2007, at 11, lines 12-14; at 21, lines 9-11; at 25, lines 8-12; at 27, line 20, to at 28, line 2; at 30, lines 6-10; at 30, line 20, to at 31, line 2), the Hans Publication does not teach, or suggest, (1) “uploading the multi-media content to at least one multi-media content server” as recited by independent claim 17; (2) “uploading the multi-media content to at least one multi-media content server” as recited by independent claim 31; (3) “uploading at least one of information and information services to at least one multi-media content server” as recited by independent claim 51; (4) generating “at least one other request responsive to the requirements of a dynamic resource distribution optimization program responsive to changes in network demand for the at least one of information and information services” as recited by independent claim 69; (5) “uploading at least one of information and information services to at least one media server” and “generating at least one other request for the at least one of information and information services responsive to the requirements of a dynamic resource distribution optimization program responsive to changes in network demand for the at least one of information and information services” as recited by claim 70; (6) “said request expressly specifies a communications port...” as recited by claim 19; (7) “Windows Media™, RealNetworks™, QuickTime™” as recited by claims 8, 10, 24, 26, 44, 46, 61 and 63; and (8) “Visual Basic and Visual Basic Script under Microsoft ASP” as recited by claims 12, 28, 48 and 65.

For all of the above reasons, the Hans Publication does not anticipate, or render obvious, the subject matter of independent claims 1, 15, 17, 31, 33, 51 and 67-77.

iv. The Oberdorfer Patent

The Oberdorfer Patent discloses a “method and apparatus for providing a client system with information via a network,” wherein the method is performed by a first server system to provide a client system with information via a network, and the method comprises the steps of: (i) serving to the client system first page information including at least one reference to information available from an external server; (ii) receiving a request from the client system, the request being indicative of a selection of the reference at the client system; (iii) sending a request to the external server; (iv) sending a request to the external server; (v) receiving the external server information via the network; (vi) preparing second page information using at least part of the external server information; and (vii) sending said second page information to the client system (See Abstract of the Oberdorfer Patent). According to Figure 1 of the Oberdorfer Patent (reproduced below for convenience), an

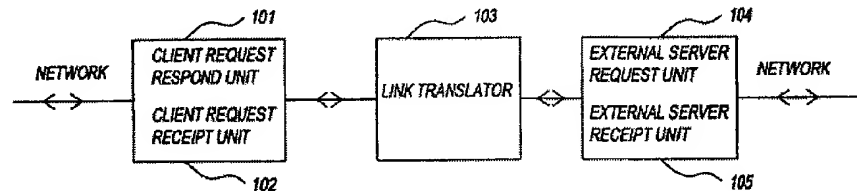


Fig. 1

apparatus for providing a client system with information via a network is provided that includes a client request respond unit (101), a client request receipt unit (102), a link translator (103), an external server

request unit (104), and an external server receipt unit (105), (Oberdorfer Patent, col. 5, lines 27-32). The function of these functional modules is explained by the flowchart of Figure 2 (also reproduced below for convenience), wherein at block (201), upon a client's first request, the client request respond unit (101) sends first page information to the client system (Oberdorfer Patent, col. 5, lines 40-43). At

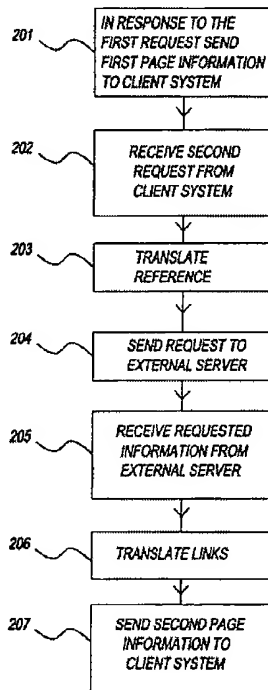


Fig. 2

block (202), the client request receipt unit (102) receives a second request from the client, and at block (203), the link translator (103) translates a reference to an external server included in the second request to a link to the external server (Oberdorfer Patent, col. 5, lines 43-47). At block (204), the external server request unit (104) sends a request to the external server, and at block 205, the external server receipt unit (105) receives the requested information from the external server, and at block (206), the

link translator (103) translates links to the external server and other external servers which are included in the information to links to the first server system including a reference corresponding to the original link to the external server (Oberdorfer Patent, col. 5, lines 47-56). The Oberdorfer Patent discloses that preferably all links to external servers are translated, although in some embodiments only a part of these links are translated, and the remaining links are removed (Oberdorfer Patent, col. 5, lines 55-58). At block (207), the client request respond unit (101) sends second page information prepared in the above manner to the client system (Oberdorfer Patent, col. 5, lines 58-60).

As disclosed in Figure 3 of the Oberdorfer Patent (which is reproduced below for convenience),

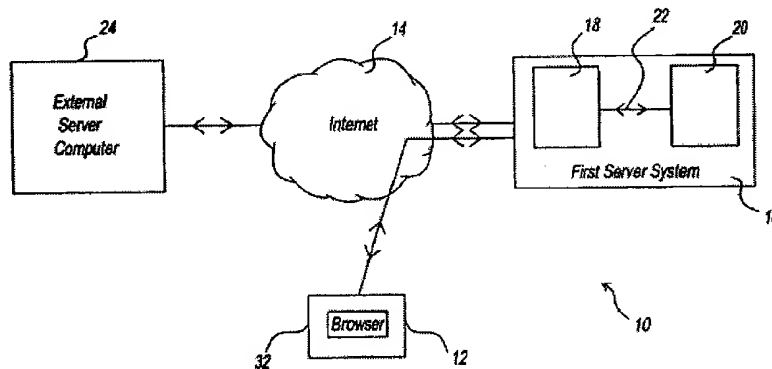


Fig. 3

an environment (10) utilizing the Internet for network services includes a client computer system (12) coupled directly or, for example, through an Internet service provider to the Internet (14), and a Web browser (32) executes on the client computer system (12), (Oberdorfer Patent, col. 5, lines 61-66).

According to the Oberdorfer Patent, the client system (12) may access a Web site on a first server system (16) by logical reference via a URL, and the first server system (16) comprises a first server computer (18) coupled to the Internet (14) and an application computer (20) coupled to the first server

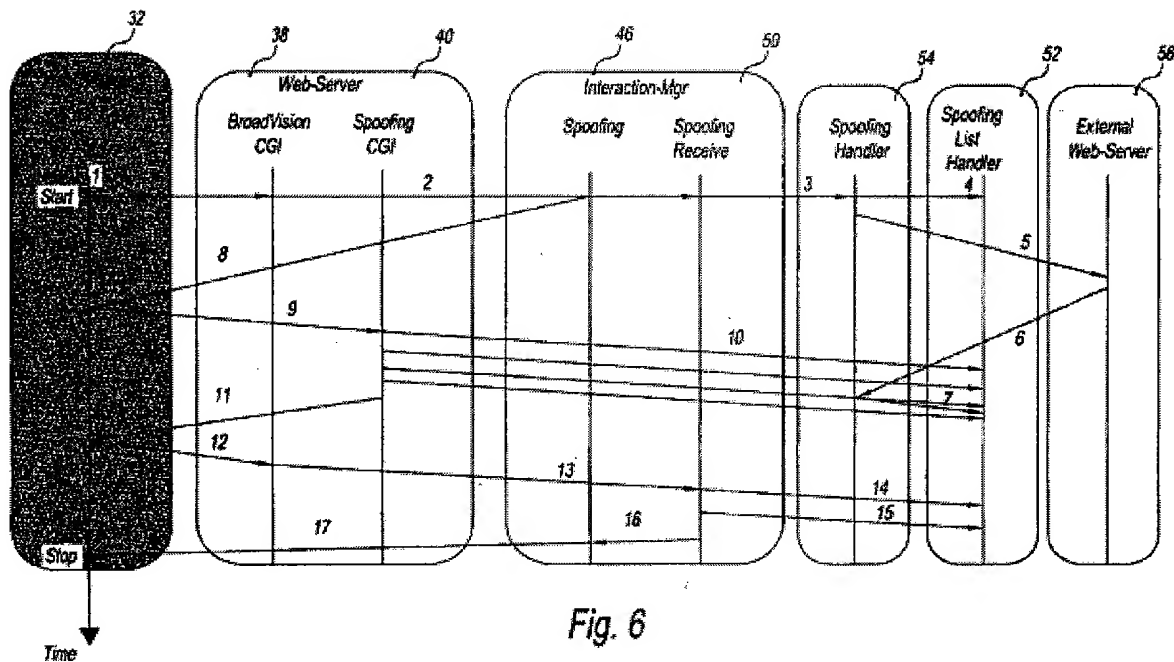
computer (18) via an interface (22), (Oberdorfer Patent, col. 5, line 66, to col. 6, line 4). According to the Oberdorfer Patent, out of many servers coupled to the Internet, only one is shown and is denoted as “external server computer” (24), and the external server computer (24) and the first server computer (18) may also be coupled via an intranet using Internet protocols (Oberdorfer Patent, col. 6, lines 4-8). HTTP interactions are conducted between the client browser (32) and a HTTP server application executing on the first server computer (18) as well as between a browser application executing on the first server computer (18) and a HTTP server application executing on the external server computer (24), (Oberdorfer Patent, col. 6, lines 8-13). The external server may also be an application which resides on the server computer (18) and is coupled via a local network to the server application which resides on the same computer (Oberdorfer Patent, col. 6, lines 13-17).

However, the Oberdorfer Patent does not teach, or suggest, a

“link processing server[that] translates first reference information from one or more of the encoded hyperlinks to second reference information that enables one or more formats to stream without having to deploy from a web server one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where the multi-media content is stored...”

as recited by independent claim 1. More specifically, the Oberdorfer Patent essentially discloses how to make a server act as a smart proxy for another server (see, e.g., the “external server” of the Oberdorfer Patent) for a subset of content linked in the page(s) served by the first server. Two noteworthy aspects of the system disclosed by the Oberdorfer Patent, and which may be overlooked, are that (1) the system achieves its purpose by asynchronous URL rewriting by the first server so as to locate the content on the “external server” (Oberdorfer Patent, col. 4, lines 23-51), and (2) the client only interacts with the first server so that the manner in which

content is retrieved from an “external server” is transparent (See, e.g., Figure 6 of the Oberdorfer Patent, which is reproduced below).



In other words, the “link translation” operation disclosed by the Oberdorfer Patent is a completely different operation from the use of link processing servers in accordance with the present invention. In particular, link processing servers of the present invention do not rewrite URLs; rather, they provide meta data content that would normally have been provided by the “reference files” typically required for streaming media in accordance with conventional methods. As would be instantly appreciated by those of ordinary skill in the art, the content that the end user has requested and/or is interested in accessing does not go through the link processing system of the present invention. However, in accordance with the system and

method disclosed by the Oberdorfer Patent, requested webpages go through the link translator (See, e.g., Oberdorfer Patent, col. 9, lines 30-66).

Also, the Oberdorfer Patent, col. 5, lines 40-55, uses the term “reference” in the context of “the link translator 103 translates a reference to an external server included in the second request to a link to the external server,” which pertains to the traditional sense of having information sufficient to construct the URL of the external server as would be instantly appreciated by a person of ordinary skill in the art. This context is completely different from the notion of a “reference file” used in the context of streaming media. The context pertaining to URL construction and the term “reference,” according to the Oberdorfer Patent, also applies to the description at col. 9, lines 31-67, of the Oberdorfer Patent. As would be immediately understood by persons of ordinary skill in the art, spoofing employed by the Oberdorfer Patent is just another way to achieve the proxy effect described by the Oberdorfer Patent, and is solely based on generating URL from parameters passed to calls. These parameters contain enough information to “refer” to actual location (i.e., build the URL), but are not related conceptually whatsoever to “reference files” discussed in the context of streaming media. Furthermore, as disclosed by the Oberdorfer Patent, at col. 9, lines 31-67, the original webpage does not contain any explicit hyperlinks to any external sites and will not work with a system that only understands simple URLs (such as many email clients).

While the Oberdorfer Patent discloses conventional hyperlinks between webpages, such as may contain an indicator of location for content such as an address, they do not contain “reference information” that corresponds to information conventionally maintained in a

“reference file.” (See, e.g., Carruzzo Declaration, ¶¶ 16 and 17). Consequently, the Examiner has failed to show that the Oberdorfer Patent discloses hyperlinks that contain “reference information” that corresponds to information conventionally maintained in a “reference file.”

For all of the above reasons, a person of ordinary skill in the art would understand that the link translator (103) disclosed by the Oberdorfer Patent translates references to other external pages incorporated in the spoofing object to reference the spoofing object instead of the external pages (See also Figure 7A of the Oberdorfer Patent), and does not teach, or suggest,
a

“link processing server[that] translates first reference information from one or more of the encoded hyperlinks to second reference information that enables one or more formats to stream without having to deploy from a web server one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where the multi-media content is stored...”

as recited by independent claim 1.

v. The RFC 959 Document

The RFC 959 Document discloses the “official specification of the File Transfer Protocol.” However, the RFC Document does not teach, or suggest, a “link processing server”
that

“translates first reference information...to second reference information that enables one or more formats to stream without having to deploy...one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where...content is stored”

as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77.

vi. The Kenner Patent

The Kenner Patent discloses a “system and method for selection and retrieval of diverse types of video data on a computer network,” wherein the system and method for the selection and retrieval of various types of video data from distributed delivery sites calls for the deployment of "Smart Mirror" sites throughout a network, each of which maintains a copy of certain data managed by the system (See Abstract of the Kenner Patent). The Kenner Patent discloses that each "Smart Mirror" site maintains copies of the data in several alternative file formats and every user is assigned to a specific delivery site based on an analysis of network performance with respect to each of the available delivery sites (See Abstract of the Kenner Patent). The Kenner Patent further discloses that generalized network performance data is collected and stored to facilitate the selection of additional delivery sites and to ensure the preservation of improved performance in comparison to traditional networks, and that the appropriate file format is automatically selected based on the capabilities of a user terminal making a request for data (See Abstract of the Kenner Patent).

However, the Kenner Patent does not teach, or suggest, a “link processing server” that

“translates first reference information...to second reference information that enables one or more formats to stream without having to deploy...one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where...content is stored”

as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77.

vii. The Stewart Publication

The Stewart Publication discloses “network protocols for distributing functions within a network” wherein a network protocol distributes control and lookup functions among various network elements and plural servers are permitted to service the same domain name without requiring re-mapping (See Abstract of the Stewart Publication). The Stewart Publication discloses that each client or server is permitted to have a different network quality of service level that is provided by one or more network elements of a network or server quality of service level that is provided by a server (See Abstract of the Stewart Publication).

However, the Stewart Publication does not teach, or suggest, a “link processing server” that

“translates first reference information...to second reference information that enables one or more formats to stream without having to deploy...one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where...content is stored”

as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77.

viii. Summary of the Disclosed Subject Matter

Neither the Hans Publication, the Oberdorfer Patent, the RFC 959 Document, the Kenner Patent, nor the Stewart Publication, either alone or in combination, teach, or suggest, a “link processing server” that

“translates first reference information...to second reference information

that enables one or more formats to stream without having to deploy...one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where...content is stored”

as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77. Also, the combination of the Hans Publication, the Oberdorfer Patent, the RFC 959 Document, the Kenner Patent, and the Stewart Publication, still fails to teach, or even suggest, a “link encoded web page” as recited by independent claims 1, 15, 17, 31, 33, 51, 67, 69, 70, 71, 72, 73, 74, 75, 76 and 77, (3) a “link encoded website” as recited by claim 68, and (4) a “link encoded electronic mail message” as recited by independent claims 1, 15, 17, 31, 33, 51, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 77, wherein the hyperlink(s) include “first reference information” wherein the “first reference information comprises information specifying the multi-media content and format associated therewith.” As evident from the testimony of Dr. Herve Carruzzo, conventional hyperlinks between webpages, such as may contain an indicator of location for content such as an address, do not contain “reference information” that corresponds to information conventionally maintained in a “reference file.” (See, e.g., Carruzzo Declaration, ¶¶ 15-17). Consequently, the Examiner has failed to show that the Hans Publication, the Oberdorfer Patent, the RFC 959 Document, the Kenner Patent, and/or the Stewart Publication discloses hyperlinks that contain “reference information” that corresponds to information conventionally maintained in a “reference file.”

For all of the above reasons, no combination of the Hans Publication, the Oberdorfer Patent, the RFC 959 Document, the Kenner Patent, and the Stewart Publication, is sufficient to establish a prima facie case of obviousness against the instant claims.

xi. No Legitimate Reason to Make the Proposed Combination, and No Reasonable Likelihood of Success of Achieving Applicants' Claimed Invention Even if the Proposed Combination was Made

A proper rejection under Section 103 requires showing (1) that a person of ordinary skill in the art would have had a legitimate reason to attempt to make the composition or device, or to carry out the claimed process, and (2) that the person of ordinary skill in the art would have had a reasonable expectation of success in doing so. *PharmaStem Therapeutics, Inc. v. ViaCell, Inc.*, 491 F.3d 1342, 1360 (Fed. Cir. 2007). In this case, the Examiner has failed to demonstrate a legitimate reason to justify combining the Hans Publication, the Oberdorfer Patent, the RFC 959 Document, the Kenner Patent, and the Stewart Publication, and the Examiner has failed to demonstrate that a person of ordinary skill in the art would have enjoyed a reasonable expectation of success of arriving at Applicants' claimed invention even if the combination was made for the following reasons.

First, the combination of the Hans Publication, the Oberdorfer Patent, the RFC 959 Document, the Kenner Patent, and the Stewart Publication fails to teach, or suggest, a "link processing server" that

"translates first reference information...to second reference information that enables one or more formats to stream without having to deploy...one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where...content is stored"

as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77. Second, neither the Hans Publication, the Oberdorfer Patent, the RFC 959 Document, the Kenner Patent, nor the Stewart

Publication teach, or suggest, hyperlinks that include “first reference information” wherein the “first reference information comprises information specifying the multi-media content and format associated therewith” as claimed. Therefore, no combination of the Hans Publication, the Oberdorfer Patent, the RFC 959 Document, the Kenner Patent, and the Stewart Publication would provide a person of ordinary skill in the art with a reasonable expectation of success of arriving at Applicants’ claimed invention. On the contrary, the combination of the Hans Publication, the Oberdorfer Patent, the RFC 959 Document, the Kenner Patent, and the Stewart Publication is nothing more than an incomplete facsimile of the invention created by the Examiner from an improper mosaic of the art. Northern Telecom, Inc. v. Datapoint Corporation, 15 U.S.P.Q.2d 1321, 1323 (Fed. Cir. 1990).

For all of the above reasons, the Examiner has failed to establish a prima facie case of obviousness against claims 1, 2, 4-15, 17-31, 33-38, 40-49 and 51-77.

III. CONCLUSION

For all of the above reasons, claims 1, 2, 4-15, 17-31, 33-38, 40-49 and 51-77 are in compliance with 35 U.S.C. § 112. Furthermore, the Examiner has failed to establish a prima facie case of obviousness against Applicants’ claims because no combination of the Hans Publication, the Oberdorfer Patent, the RFC 959 Document, the Kenner Patent, and the Stewart Publication, teaches, or suggests, a “link processing server” that has the features as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77, and also fails to teach or suggest a “link encoded web page,” a “link encoded website,” and a “link encoded electronic mail message”

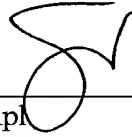
wherein the hyperlink(s) include “first reference information” wherein the “first reference information comprises information specifying the multi-media content and format associated therewith.”

For all of the above reasons, claims 1, 2, 4-15, 17-31, 33-38, 40-49 and 51-77 are in condition for allowance, and a prompt notice of allowance is earnestly appreciated.

Questions are welcomed by the below-signed attorney for Applicants.

Respectfully submitted,

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